

CABINET

DATE	2 nd July 2018
REPORT OF	Cllr Kathryn Wheatley Portfolio Holder for Children, Young People and Education
RESPONSIBLE OFFICER	Steve Kay, Director of Children's Services
SUBJECT	Children's Social Care Statutory Complaints and Compliments Annual Report 2017/18
STATUS	Open
FORWARD PLAN REF NO.	FP06/18/05

CONTRIBUTION TO OUR AIMS

The Children's Social Care statutory complaints procedure supports the Council's aims of a stronger economy and stronger communities and enables citizens to voice concerns. The outcomes sought from the procedure are healthier and happier lives for children and young people.

EXECUTIVE SUMMARY

The Children's Social Care Statutory Complaints and Compliments Annual Report provides an overview of the activity and analysis of complaints and compliments for the period 1st April 2017 to 31st March 2018.

RECOMMENDATIONS

That Cabinet:

1. Receives and accepts the Children's Social Care Statutory Complaints and Compliments Annual Report for 2017/18.
2. Refers the Children's Social Care Statutory Complaints and Compliments Annual Report for 2017/18 to the Children and Lifelong Learning Scrutiny Panel for their consideration.

REASONS FOR DECISION

It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

1. BACKGROUND AND ISSUES

- 1.1 The Children Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure for resolving complaints and representations from children, young people or their representatives concerning statutory services.
- 1.2 The attached Children's Social Care Statutory Complaints and Compliments Annual Report provides a breakdown of the complaints, concerns and compliments received during 2017/18, the service improvements implemented and lessons learnt as a result of complaints and representations.
- 1.3 During 2017/18 the Council received the following representations concerning children's social care statutory services:

Complaints = 99
Compliments = 2

This compares with 77 complaints and 5 compliments in 2016/17.

- 1.4 Of the 99 complaints received 6 were withdrawn by the complainant whilst in the stage one process (investigation by the service). Of the 99 complaints processed at stage one only three (**3.0%**) were escalated to stage two (independent investigation). No complaints progressed to stage three (independent review panel).

At stage one, four complaints (**4%**) were responded to outside of the maximum statutory timescale of twenty working days. Of the three stage two complaints received, all were responded to outside of the statutory 65 working days.

- 1.5 42% of stage one complaints were not upheld. All three stage two complaints were all partially upheld.
- 1.6 Complaints and compliments provide the Council with useful information in respect of the way Children's Social Services are delivered, identifying good practice and opportunities for improvement which have resulted in changes to our systems. It is to be noted that the greatest number of complaints is with the Children's Assessment and Safeguarding Service. This is to be expected as the service is a frontline service dealing with a large number of cases with very difficult issues to address. Further information on the type of complaints and compliments is contained within section four of the annual report.

2. RISKS AND OPPORTUNITIES

- 2.1 The Children's Social Care statutory complaints procedure aims to treat all members of the community equally. The procedure for the handling of complaints is an important contributor to citizen and service user perceptions and informs service improvement, this ensures that an individual's diversity and human rights are promoted through an efficient and effective complaints process.

- 2.2 The arrangements for dealing with Children's Services complaints are critical in ensuring that customer's views on our services are recognised and that feedback received is acted upon. Children's Service Statutory Complaints procedure complies with the Corporate Policy Framework. This includes confidentiality for complainants and keeping complainants fully informed about the progress of their complaints.

3. OTHER OPTIONS CONSIDERED

- 3.1 It is a statutory requirement that an annual report is completed on these complaints and the activities undertaken in responding to the complaints follows current guidance. Our options are more about the flexibility that we have in reacting to and resolving the complaints. Our current approach is set out in the attached report.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 We produce a regular overview of all complaints and this is included in the quarterly performance report that is brought to Cabinet. We are honest and open about any mistakes that we make and we ensure that we learn from them. If the Local Government Ombudsman (LGO) makes a finding of fault against us then we are obliged to make public the findings. All complaints investigated by the LGO are available on their website at www.lgo.org.uk

5. FINANCIAL CONSIDERATIONS

- 5.1 The handling of the Council's complaints is an in-house service funded through the revenue budget. Efficiencies are continuously sought from refining the complaints handling process (better use of systems and expertise) and through making service improvements based on what our customers are telling us, so that any mistakes are not repeated. There have only been three stage two complaints in 2017/18 and no stage 3 panel reviews. Each stage two and three complaint needs to have additional funding found for external and independent investigation and verification.

6. CONSULTATION WITH SCRUTINY

- 6.1 Cabinet may wish to refer this report to Scrutiny for consideration.

7. FINANCIAL IMPLICATIONS

- 7.1 The report is providing information on complaints, concerns and compliments received. As such there are no direct additional financial implications arising from the report itself. However as the report makes clear each stage two and three complaint requires further funding which although met from existing budgets the current processes and procedures need to restrict the number of these to assist with maximising budgets to front door delivery of services.

8. LEGAL IMPLICATIONS

- 8.1 Section 13 (1) of the Children Act 1989 Representation Procedure (England) Regulations 2006 requires that for the purposes of monitoring, every Local Authority must as soon as possible after the end of the financial year compile a report of

representations. This report ensures that the Council meets the statutory requirement within the regulations. The attached report is thorough and contains within it lessons to be learned from this valuable process.

9. HUMAN RESOURCES IMPLICATIONS

- 9.1 The lessons learnt and improvements in practice contained within Section four of the annual report, includes reference to actions taken with employees to address concerns/issues highlighted via the statutory complaints process. Remedial action has been taken in the provision of additional training, re-emphasising effective communication and improving procedural processes.

10. WARD IMPLICATIONS

- 10.1 People who might make use of the complaints process may live in any ward of the Borough.

11. BACKGROUND PAPERS

The Children Act 1989 Representations Procedure (England) Regulations 2006
<http://www.legislation.gov.uk/ukxi/2006/1738/contents/made>

Department for Education and Skills –‘Getting the Best from Complaints’. September 2006.

<https://www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-complaints>

The Children (Leaving Care) Act 2000.

<https://www.legislation.gov.uk/ukpga/2000/35/contents>

Adoption and Children Act 2002.

<http://www.legislation.gov.uk/ukpga/2002/38/contents>

Health and Social Care (Community Health and Standards) Act 2003.

<https://www.legislation.gov.uk/ukpga/2003/43/contents>

12. CONTACT OFFICER

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Children's Social Care Statutory Complaints and Compliments Annual Report

**1st April 2017
to
31st March 2018**

Issue date: April 2018

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1.Context

The Children's Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure for resolving complaints and representations from children, young people or their representatives.

This report provides an overview of Children's Social Care complaints and representations made to North East Lincolnshire Council during the period 1st April 2017 and 31st March 2018, in accordance with the Children's Act 1989 Representation Procedure (England) Regulations 2006 and the accompanying guidance 'Getting the Best from Complaints'.

1.1 What is a Complaint?

A complaint can be generally defined as 'any expression of dissatisfaction or disquiet about a service that is being delivered or a failure to deliver a service'.

The Statutory Complaints Procedure aims to ensure those children, young people and their parents or carers who make representations have their concerns resolved swiftly and wherever possible by the people who provide the service.

1.2 Who can make a Complaint?

Section 26(3) and section 24D of the Children Act 1989, section 3(1) of the Adoption and Children Act 2002 and the Adoption and Support Services Regulations 2005 require the responsible authority to consider representations including complaints made to it by:

- any child or young person (or a parent of them or someone who has parental responsibility for them) who is being looked after by the local authority or is not looked after by them, but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- Special Guardians
- a child or young person (or parent of them) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F(3) or (4), (Adoption and Support Services Regulations 2005)
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person for whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents and former guardians
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is made by a young person, an advocate is offered to support the young person through all stages of the complaints procedure.

1. The Statutory Complaints Procedure

The complaints procedure has three stages, with a strong emphasis on resolving complaints at the first stage:

Concern

When a customer contacts us with an issue which can quickly be resolved prior to going through the statutory complaints procedure, these are logged as a concern.

Stage one – Local Resolution

This stage of the complaints procedure is where we would aim to resolve all issues through a quality and timely response, reducing the need for further stages. Council social care service teams and external contractors providing social care services on our behalf are expected to resolve as many complaints as possible at this level.

Team managers provide a written response to the complainants within 10 working days. This can be extended to 20 working days if the complaint involves complex matters, or to allow time for appointing an advocate where a vulnerable person is involved. The complaints team work in partnership with managers to ensure that quality responses are provided within the specified timescales.

Stage two – Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of stage one. Stage two is an investigation conducted by an external investigating officer together with an independent person who oversees and ensures the fairness and transparency of the investigation process. The findings from the investigation and any recommendations are set out in a report to the head of service who provides a written response to the complainant on behalf of the Council.

The timescale for responding to a complaint at stage two is 25 working days, with an extension of up to 65 working days for complex cases.

Stage three – Independent Review Panel

Where complainants wish to proceed with complaints following dissatisfaction with the outcome of the complaint at stage two, the Council is required to establish a Complaints Review Panel. Complaints Review Panels are made up of three independent panellists. The Panel's role is to ensure that the process has been followed and to consider the complaint/s and wherever possible work towards a resolution. The Panel makes recommendations to the Deputy Chief Executive (Communities) who then makes a decision on the complaint and on any action to be taken.

There are various timescales relating to stage three complaints. These include:

- setting up the Panel within 30 working days of the complainants request
- producing the Panel's report within five working days
- sending the Council's response to the complainant within 15 working days of the Panel's report.

Local Government Ombudsman

If the complainant is not satisfied with the outcome of the Independent Review Panel they have the right to take their complaint to the Local Government Ombudsman (LGO), who is empowered to review or investigate where it appears that the Council's own investigations have not resolved the complaint or not been handled appropriately. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under the relevant procedures in the first instance.

2. Council activity - representations

2.1 Number of representations

Between 1st April 2017 and 31st March 2018 the Council responded to 99 representations, compared with 77 same period for 2016/17. This is an increase of 22% at a time when the number of open child care cases and looked after children have also increased.

For 2017/18 there were 34,211 under 18s living in North East Lincolnshire. As of 19th April 2017, the Council had 2072 open childcare cases including 358 looked after children.

99 representations received represents 5% of the open cases based on this figure, however it should be noted that the number of open child care cases does vary throughout the year.

Of the 99 representations, 6 were withdrawn whilst within the stage one process.

A total of 99 were processed at stage one, three stage two complaints were responded to and of those none progressed to a stage three Panel Review.

2 complaints were raised with the Local Government Ombudsman (LGO)

Years	Concerns	Stage one	Stage two	Stage three	LGO
2017/18	0	99	3	0	2
2016/17	1	66	2	0	0
2015/16	7	106	4	2	6
2014/15	5	120	3	0	3
2013/14	1	89	5	0	2
2012/13	2	76	7	0	1
2011/12	6	47	2	1	0

The very high percentage of complaints resolved at stage one reflects the time and effort put in at this stage to address the complaint without the need for escalation to stage two, which can be a costly process. Efforts made to resolve complaints at stage one include providing a second response if it is felt that this might resolve the issue. In addition service managers may meet with complainants, with complaints officers, on occasion, taking on the role of mediator during the meeting. The success of this approach is evidenced in the customer satisfaction rate at stage one of the process.

Of the 99 complaints processed at stage one, three complainants progressed their complaint to stage 2 as they were not satisfied with the outcome.

As outlined above, if a complainant is unhappy with the stage 1 response further work is undertaken, this is normally in the form of a resolution meeting or providing the complainant with a further response addressing their dissatisfaction. A key aim of the complaints procedure is to inform service users of the outcome of their complaints and the use of any lessons learnt to improve services. Details of lessons learnt and improvements to practice can be found in section four.

2.1 Complaints by service area

Below is a service breakdown in respect of the complaints received.

Service Area	Complaints received
Children's Assessment and Safeguarding Service	80
Through Care	3
Children's Disability Service	3
Fostering & Adoption Service	4
Residential Unit	2
Families First Action Point	2
Integrated Services – Autism	3
Out of hours service	1
Whitgift Bungalow	1

3. Nature of Complaints

Service Area	Attitude / Behaviour of staff	Concern about the quality of service	Delay in Decision Making	Delivery / Non delivery of service	Quantity , frequency, change or cost of a service	Unwelcomed or disputed decision	Other
Fostering & Adoption Service	1	2			1		
Children's Assessment & Safeguarding Service	7	59	1	2		7	4
Through Care Services	1	2					
Children's Disability Service		3					
Out of hours service		1					
Families First Action Point	1			1			
Residential Unit						1	1
Integrated Family Service		1				2	
Whitgift Unit	1						
Total	11	68	1	3	1	10	5

3.1 The outcome of complaints

Stage one outcome	2017/18		2016/17	
	Number	%	Number	%
Upheld	10	10	7	11
Partially upheld	41	41	31	47
Not upheld	42	42	28	42
Withdrawn	6	6	0	0
Total	99	100	66	100

Stage two outcome	2017/18		2016/17	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	3	100	2	100
Not upheld	0	0	0	0
Ongoing	0	0	0	0
Total	3	100	2	100

Stage three outcome	2017/18		2016/17	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	0	0	0	0
Not upheld	0	0	0	0
Total	0	0	0	0

3.2 Timescales for complaints

Stage one response	2017/18		2016/17	
	Number	%	Number	%
Within 10 days	63	63	44	67
Within 20 days	32	32	20	30
Outside of 20 days	4	4	2	3
Within timescales	95	94	64	97

Stage two response	2017/18		2016/17	
	Number	%	Number	%
Within 25 days	0	0	0	0
Within 65 days	0	0	1	50
Outside of 65 days	3	100	1	50
Ongoing	0	0	0	0
Withdrawn	0	0	0	0

Stage three response	2017/18	2016/17
	Achieved	Achieved
Panel set up within 30 days timescale)	0	0
Panel report produced within 5 days	0	0
Executive Director's Response sent within 15 days	0	0

There has been a decrease in the number of complaints responded to within 10 days at stage one. Team Managers currently respond to all stage one complaints to ensure that they are addressed at a senior level. This does limit the number of officers responding to stage one complaints and therefore impacts on response times. There have also been some complex issues raised which has resulted in officers requiring more time to complete an investigation. Work is being undertaken to identify how response times can be improved.

The complaints team will continue to closely monitor timescales and raise any issues with the Head of Safeguarding as appropriate.

3.3 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	7
A parent of the child	67
Person with parental responsibility	1
Persons with sufficient interest in the child's welfare	24
Other	0
Total	99

3.4 Gender of Adult Complainants

Gender	Number	%
Female	71	72
Male	23	23
Joint	5	5
Anonymous	0	0
Total	99	100

The term 'Joint' has been used where a representation has been made by more than one individual i.e. both parents / carers.

3.5 Gender of young people making complaints

Gender	Number	%
Female	5	71
Male	2	29
Total	7	100

No independent advocates were used in the complaints process during 2017/18.

3.6 Ethnic origin

Of the 99 complaints received only eight people returned the equalities monitoring form, those eight people declared themselves as White British.

3.7 Compensation Payments

Compensation can be provided to a complainant by the Council as either part of the investigation or on the recommendation of Local Government Ombudsman following their investigation, where it is concluded that there has been maladministration by the Council causing injustice to the complainant.

- No compensation payments were made during 2017/18
- No compensation payments were made during 2016/17
- One compensation payment was made for £7000 during 2015/16

4. Lessons Learnt and Improvements to Practice

Complaints provide managers with useful information in respect of the way that services are delivered. The table below shows the lessons learnt from the investigation of the representations we have received and the actions that have been taken to implement improvements and prevent any recurrence.

Team	Lesson Learnt
Children's Assessment and Safeguarding Service	<ul style="list-style-type: none"> • Social workers have been reminded of the importance of listening to the voice of the young person and wherever possible ensuring that service provision and plans are in accordance with these views. • A review the case transfer process has taken place to ensure that all information is passed across from one social worker to another in a clear manner. • Review the process of when a social worker is absence from work to ensure the service have a contingency plan in place to prevent cases drifting without progress. • Ensure that any specific training requirements and identified training needs for staff are written into personal development plans. • A reminder issued to social workers to ensure that they discuss the adoption process with service users when appropriate. • Ensure that staff are clearly recording on a child's file when information must remain confidential. • Further training and support for staff to ensure actions arising from cases are implemented and monitored as appropriate. • A training and development session has being undertaken with staff from Families First Access Point where the Police intelligence information was inappropriately shared. This training has been specifically around data protection and when to appropriately share information.
Children's Disability Service	<ul style="list-style-type: none"> • The Direct Payment process in general will be subject to NELC internal audit and any recommendations will be actioned to ensure it is clear and fit for purpose. • To improve the sharing of information about such difficult and complicated subjects as Best Interest and Capacity, with young people and families in transition. It is planned that discussion and research will take place to develop an easy read information sheet for families.
Through Care Services	<ul style="list-style-type: none"> • It will be important to ensure that time is given for all parties to be able to prepare for meetings as required. • Ensure that staff are considering how meetings are managed when there were concerns about domestic violence in relationships. • An understanding to be reached with families about how best to communicate with the social worker so that any exchange is effective and positive. • If staff are ill they will need to ensure that a full itinerary of visits and meetings are provided to ensure there is cover and no child is missed.
Fostering and Adoption Service	<ul style="list-style-type: none"> • Training to be provided to newly qualified staff regarding the adoption support fund process. • Ensure that any concerns raised regarding foster carers are addressed and monitored as appropriate.

5. Compliments

The Council welcomes compliments from its users and partners. Compliments help to highlight good quality service and encourage staff to continue delivering high quality services. Between April 2017 and March 2018, two compliments were received relating to social care statutory services.

Date received	How compliment was received	Details of the compliment	From
Through Care Services			
26/04/17	In Person	Complementing the social worker for her positive relationship with the child and the level of support she has provided to the case.	Service User
Fostering and Adoption Service			
26/07/17	Feedback Form	Thanking social worker for all their help and support which has fully benefited their child.	Service User

6. Development of Policies and Procedures

The main priorities for the developing our complaints service during 2018/19 are as follows:

- 6.1 The complaints team will continue to closely monitor timescales and raise any issues with the Head of Safeguarding as appropriate.
- 6.2 Continue to raise awareness of the complaints procedure across the Council, ensuring staff are familiar with the procedures and know where to direct customers ensuring all feedback is recorded. Assist staff to ensure they are fully equipped with effective complaints handling skills, so that all customers are dealt with in a timely and appropriate manner.
- 6.3 Continue to produce monthly and quarterly performance reports to services and support the effective management and resolution of complaints, including actively monitoring response times and addressing any identified issues.
- 6.4 Draw attention to any improvements identified by providing reports and intelligence to relevant service managers to use in any service reviews or improvement plans.
- 6.5 Maintain networks with other local authorities and our local partners, to share good practice and contribute to the development of policy and practice, both locally and nationally.
- 6.6 Review and update the complaints leaflets and relevant webpages on the council's website.
- 6.7 Recruitment drive for stage 2 independent investigators to undertake complaint investigations.
- 6.8 Review the current pool of stage 2 independent investigators to ensure compliance with data protection/Information security.
- 6.9 Produce procedures for all stages of the statutory complaints process.

7. Conclusion

Whilst it has been noted that there has been an increase of 22% in the amount of complaints received compared to year 16/17, it is difficult to conclusively determine the cause of this as distribution across the services is similar to last year. It may be a reflection of the increase in the amount of looked after children and open child care cases.

It is recognised that the turnover of staff within the service has stabilised, which has led to minimal changes taking place with the management of cases. There have also been significant improvements made with regard to the recording of information and case notes which also helps ensure consistency of approach.

Further work still needs to be undertaken with services to ensure investigations address all the issues raised and identify improvements to service delivery. It is only through the identification of the real causes of dissatisfaction that improvements can be identified and implemented in a way that will see services improve practices and procedures, therefore resulting in a reduction in complaints.

We are also keen to improve our responding times for stage 1 and stage 2 complaint investigations, therefore further work needs to be undertaken with the services and independent investigators to see how we can improve this.